

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

LEO MICHAEL BACA,

Plaintiff,

vs.

No. CIV 06-1025 JB/RHS

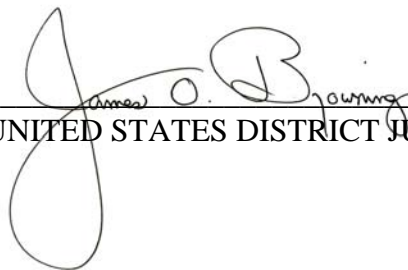
LUCAS TOWNSEND in his official and individual capacities, JOHN DOE #1 in his official and individual capacities, JOHN DOE #2 in his official and individual capacities, and the CITY OF ALBUQUERQUE,

Defendants.

**MEMORANDUM OPINION AND ORDER**

**THIS MATTER** comes before the Court on Defendant Lucas Townsend's Motion to Vacate Trial, filed November 6, 2007 (Doc. 30). The Court held a hearing on the motion on November 28, 2007. The primary issue is whether the Court should vacate the trial in this matter, which is presently set on the Court's December 10, 2007 docket, and reschedule as soon as possible after May 15, 2008, because Defendant Lucas Townsend is in Russia studying the Russian language. For the reasons stated at the hearing, and for further reasons consistent with those already stated, and because the Court believes that, to a certain extent, it was in Mr. Townsend's control whether he would be able to be present for the December 10, 2007 trial and thus the burden should fall on Mr. Townsend to appear for trial opposed to placing a burden on Plaintiff, Leo Michael Baca, by causing further delay, the Court will deny the motion to vacate, but will give the parties a firm trial setting for their civil case and will reschedule the trial for February 4, 2008.

**IT IS ORDERED** that Defendant Lucas Townsend's Motion to Vacate Trial is denied. It is ordered that the trial of this matter is rescheduled for February 4, 2008.



UNITED STATES DISTRICT JUDGE

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